

January 24, 2011

WRITER'S DIRECT NUMBER: (317) 236-2363  
DIRECT FAX: (317) 592-4223  
INTERNET: WILLIAM.LYON@ICEMILLER.COM

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**VIA ELECTRONIC FILING**

Attn: Certificate of Corrections Branch  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this paper or fee is being transmitted electronically to Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, through the EFS-Web Filing System, on January 24, 2011.

Patsy Fonseca  
Printed or typed Name of person signing certificate

Patsy Fonseca  
(Signature)

1-24-11

Date of Signature

Re: Request for Certificate of Correction  
Inventors: Thibos, Larry N., et al.  
Invention: SYSTEM AND METHOD FOR OPTIMIZING  
CLINICAL OPTIC PRESCRIPTIONS  
Patent No.: 7,857,451  
Application Serial No.: 10/582,470  
Art Unit: 2873  
Confirmation No.: 1103  
Filed: June 12, 2006  
Examiner: GREECE, James R.  
Our File No.: P00873-US-01 (16584.0023)

**REQUEST FOR CERTIFICATE OF CORRECTION**

Pursuant to 35 U.S.C. § 255, please find enclosed a Certificate of Correction (PTO/SB/44) for the above-referenced patent ("the Patent"). Applicants respectfully submit that a mistake was incurred through the fault of the Applicants in the Statement Regarding Federally Sponsored Research and Development (the "Statement") of the Patent, and requests a Certificate of Correction to remedy this mistake. Applicants respectfully submit that the issuance of a

Certificate of Correction is appropriate because the requested amendment only corrects clerical errors, which do not constitute new matter and, as such, would not require reexamination of the Patent.

**I. The Mistakes Incurred Through the Fault of Applicants Should be Corrected**

Applicants respectfully submit that the mistake incurred through the fault of the Applicants and should be corrected by the issuance of a Certificate of Correction because, as noted below, the errors are clerical errors that occurred in good faith, the fee required under 35 C.F.R. § 1.20(a) is being submitted herewith, the proposed changes do not constitute new matter, and the correction of the Patent in this manner would not require reexamination.

Whenever a mistake of a clerical or typographical nature, or of minor character, which was not the fault of the Patent and Trademark Office, appears in a patent and a showing has been made that such mistake occurred in good faith, the Director may, upon payment of the required fee, issue a certificate of correction, if the correction does not involve such changes in the patent as would constitute new matter or would require reexamination.

35 U.S.C. § 255. Applicants respectfully submit that the aforementioned conditions present in 35 U.S.C. § 255 are met, for the reasons discussed below.

**a. The Mistake Appearing in the Statement Regarding Federally Sponsored Research and Development of the Patent Should be Corrected**

Applicants respectfully submit that the Statement as originally submitted in the Patent is no longer sufficient for reporting requirements to the National Institutes of Health (the "NIH") as required under the Bayh-Dole Act, and as such a change to comply with NIH guidelines must be made. Accordingly, Applicants respectfully request that the previous Statement as included on

column 1, lines 7-11 of the Patent be replaced with a Replacement Statement, both of which are included below.

Previous Statement:

"Part of the work during the development of this invention was made with government support from the National Institutes of Health under grant numbers EY005109 and EY008520. The U.S. Government has certain rights in the invention."

Replacement Statement:

"This invention was made with government support under EY005109 and EY008520 awarded by the National Institutes of Health. The U.S. Government has certain rights in the invention."

Applicants respectfully submit that the Replacement Statement corrects a clerical error that occurred in good faith during the prosecution of the Patent. Further, Applicants respectfully submit that the correction of this clerical error does not constitute new matter and does not require reexamination of the Patent.

**b. Payment of Fee Under 37 C.F.R. § 1.20(a)**

Applicants electronically submit herewith a payment in the amount of \$100.00 for payment of the required fee under 37 C.F.R. § 1.20(a) for correction of the noted error caused by the Applicants during prosecution. Accordingly, Applicants respectfully submit that all the requirements for correction of Applicants' error have been met and Applicants respectfully request that the Certificate of Correction be issued.

**CONCLUSION**

Applicants respectfully submit that the issuance of the Certificate of Correction is appropriate for the correction of the Statement because all the requirements for the issuance of the Certificate of Correction have been met and the requested correction does not constitute new matter or require reexamination of the Patent. Accordingly, Applicants respectfully request that the Certificate of Correction be issued.

Applicants believe that payment herewith of one hundred dollars satisfies the required fees for the submission of this Request for Certification of Correction. However, in the event Applicants have inadvertently overlooked the need for the payment of an additional fee, Applicants conditionally petition therefor, and authorize any fee deficiency to be charged to deposit account 09-0007. When doing so, please reference our docket number P00873-US-01. Should there be any questions, Applicants respectfully request that the Examiner contact the undersigned at his or her convenience.

Respectfully submitted,

ICE MILLER LLP



William R. Lyon, Ph.D.

Registration No.: 57,124

ICE MILLER LLP

One American Square, Suite 2900

Indianapolis, Indiana 46282-0200

(317) 236-2363

WRL/pgf

Enclosures: Certificate of Correction (PTO/SB/44)  
Fee under 37 CFR § 1.20(a) (\$100.00)